

SENATE BILL No. 439

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10.2.

Synopsis: PERF vesting for elected county officials. Permits a county council to adopt an ordinance to provide that a person serving as a county clerk, auditor, recorder, treasurer, sheriff, or coroner is vested in the public employees' retirement fund (PERF) after eight years of service in that office. (Current law requires ten years of service to vest in PERF, and the Constitution of the State of Indiana prohibits a person from serving in such an office for more than eight years of any 12 year period.)

Effective: July 1, 1999.

**Wyss, Craycraft, Ford, Skillman,
Wheeler**

January 13, 1999, read first time and referred to Committee on Pensions and Labor.



First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 439

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10.2-1-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. ~~Vested Status.~~
3 "Vested status" as used in this article means the status of having ten
4 (10) years of creditable service. **However, in the case of a person who**
5 **qualifies for normal retirement under an ordinance adopted under**
6 **IC 5-10.2-4-1.5, "vested status" means the status of having at least**
7 **eight (8) years of creditable service as an elected county official in**
8 **an office described in IC 5-10.2-4-1.5**

9 SECTION 2. IC 5-10.2-4-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) This subsection
11 applies to:

- 12 (1) members of the public employees' retirement fund who retire
13 before July 1, 1995; and
14 (2) members of the Indiana state teachers' retirement fund who
15 retire before May 2, 1989.

16 A member who has reached ~~age~~ sixty-five (65) **years of age** and has at
17 least ten (10) years of creditable service is eligible for normal



1 retirement.

2 (b) This subsection applies to members of the Indiana state
3 teachers' retirement fund who retire after May 1, 1989, and to members
4 of the public employees' retirement fund who retire after June 30, 1995.
5 A member is eligible for normal retirement if:

6 (1) the member is at least sixty-five (65) years of age and has at
7 least ten (10) years of creditable service;

8 (2) the member is at least sixty (60) years of age and has at least
9 fifteen (15) years of creditable service; or

10 (3) the member's age in years plus the member's years of service
11 is at least eighty-five (85) and the member is at least fifty-five
12 (55) years of age.

13 **(c) This subsection applies to members of the public**
14 **employees' retirement fund. In addition to the provisions of**
15 **subsection (b), a member is eligible for normal retirement if the**
16 **member meets the conditions set forth in an ordinance adopted**
17 **under section 1.5 of this chapter.**

18 ~~(c)~~ (d) A member who has reached age fifty (50) and has at least
19 fifteen (15) years of creditable service is eligible for early retirement
20 with a reduced pension.

21 ~~(d)~~ (e) A member who is eligible for normal or early retirement is
22 entitled to choose a retirement date on which ~~his~~ **the member's** benefit
23 begins if the following conditions are met:

24 (1) The application for retirement benefits and the choice of the
25 date is filed on a form provided by the board.

26 (2) The date must be after the cessation of ~~his~~ **the member's**
27 service and be the first day of a month.

28 (3) The retirement date is not more than six (6) months before
29 the date the application is received by the board. However, if the
30 board determines that a member is incompetent to file for
31 benefits and choose a retirement date, the retirement date may be
32 any date that is the first of the month after the time the member
33 became incompetent.

34 **SECTION 3. IC 5-10.2-4-1.5 IS ADDED TO THE INDIANA**
35 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
36 **[EFFECTIVE JULY 1, 1999]: Sec. 1.5. The governing body (as**
37 **defined in IC 5-10.3-1-4) of a county may adopt an ordinance**
38 **providing that a person is eligible for normal retirement after**
39 **reaching sixty-five (65) years of age if the person:**

40 (1) serves as an elected county official in one (1) of the offices
41 described in Article 6, Section 2 of the Constitution of the
42 State of Indiana for at least eight (8) years, with the person's



1 **last term of office being completed after June 30, 1999; and**
2 **(2) is prohibited by Article 6, Section 2 of the Constitution of**
3 **the State of Indiana from serving in that office for more than**
4 **eight (8) years in any period of twelve (12) years.**

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